

**MARTIN & BONTRAGER, APC**  
G. Thomas Martin, III (SBN 218456)  
Nicholas J. Bontrager (SBN 252114)  
6464 W. Sunset Blvd., Ste. 960  
Los Angeles, CA 90028  
T: (323) 940-1700  
F: (323) 238-8095  
Tom@mblawapc.com  
Nick@mblawapc.com

Attorneys for Plaintiff  
Jonathan Hensley

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN HENSLEY, Individually )  
and On Behalf of All Others Similarly )  
Situating, )  
Plaintiff, )  
vs. )  
GENERAL REVENUE )  
CORPORATION, )  
Defendant. )

**Case No.**

**CLASS ACTION COMPLAINT  
FOR DAMAGES AND DEMAND  
FOR JURY TRIAL**

1                                    **NATURE OF THE CASE**

2            1.        Plaintiff brings this action individually and on behalf of all others  
3 similarly situated seeking damages and any other available legal or equitable  
4 remedies resulting from the illegal actions of GENERAL REVENUE  
5 CORPORATION (“Defendant”), in negligently, knowingly, and/or willfully  
6 contacting on Plaintiff’s cellular telephone in violation of the Telephone Consumer  
7 Protection Act, 47. U.S.C. § 227 *et seq.* (“TCPA”), thereby invading Plaintiff’s  
8 privacy.

9                                    **JURISDICTION & VENUE**

10           2.        Jurisdiction is proper as Plaintiff seeks redress under a federal statute,  
11 thus this Court has jurisdiction as this matter involves questions of federal law.

12           3.        Venue is proper in the United States District Court for the Central  
13 District of California pursuant to 18 U.S.C. 1391(b) and 18 U.S.C. § 1441(a)  
14 because Defendant does business within the state of California and the Central  
15 District of California and Plaintiff resides within Los Angeles County and this  
16 district.

17                                    **PARTIES**

18           4.        Plaintiff, Jonathan Hensley (“Plaintiff”), is a natural person residing  
19 Los Angeles County, California and is a “person” as defined by 47 U.S.C. § 153  
20 (10).

21           5.        Defendant, General Revenue Corporation (“Defendant”), is third  
22 party account receivables entity, commonly known as a collection agency, with its  
23 corporate headquarters in Mason, Ohio and is a “person” as defined by 47 U.S.C.  
24 § 153 (10).

25                                    **FACTUAL ALLEGATIONS**

26           6.        Beginning in or around April of 2017, Defendant began placing  
27 telephone calls to Plaintiff’s cellular telephone number ending in 0727, seeking to  
28 collect an alleged debt owed not by Plaintiff, but some unknown third party.

1           7. Defendant's automated collection calls came from telephone number  
2 513-972-4674.

3           8. In sum, at present, Defendant has placed at least four (4) calls to  
4 Plaintiff's cellular telephone seeking to collect the alleged debt owed by someone  
5 other than Plaintiff.

6           9. When Plaintiff failed to answer Defendant's calls, including four (4)  
7 calls in the month of April 2017, Defendant placed the same verbatim pre-recorded  
8 and/or artificial voicemail message for Plaintiff:

9  
10                   This is an important message from General Revenue  
11                   Corporation. This is Kathy. The law requires that we  
12                   notify you that this is a debt collection company and this  
13                   is an attempt to collect a debt any information obtained  
14                   will be used for that purpose. Please call us back today at  
15                   1-888-710-6818. When calling back the reference ID is  
16                   45786381. Thank you.

17           10. Defendant used an "automatic telephone dialing system," as defined  
18 by 47 U.S.C. § 227(a)(1) to place its calls to Plaintiff.

19           11. Defendant used an artificial or prerecorded voice to place its calls to  
20 Plaintiff.

21           12. The voicemail messages Plaintiff received were created using a pre-  
22 recorded and/or artificial voice. As it is highly unlikely that Defendant's  
23 representative manually dialed Plaintiff's telephone number and subsequently  
24 placed a prerecorded message when Plaintiff did not answer. Defendant's use of  
25 an artificial or prerecorded message indicates that Defendant's call was placed with  
26 an automatic telephone dialing system.

27           13. Defendant's calls constituted calls that were not for emergency  
28 purposes as defined by 47 U.S.C. § 227(b)(1)(A).

          14. Defendant's calls were placed to a telephone number assigned to a  
cellular telephone service for which Plaintiff incurs a charge for incoming calls

1 pursuant to 47 U.S.C. § 227(b)(1).

2 15. Plaintiff has no business relationship with Defendant whatsoever and  
3 never provided Defendant with his cellular telephone number for any purpose.  
4 Accordingly, Defendant did not have Plaintiff's "prior express consent" to receive  
5 calls using an automatic telephone dialing system and/or prerecorded or artificial  
6 voice on his cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

7 16. As a result of Defendant's alleged violations of law by placing these  
8 automated calls to Plaintiff's cellular telephone without prior express consent,  
9 Defendant caused Plaintiff harm and/or injury such that Article III standing is  
10 satisfied in at least the following, if not more, ways:

- 11 a. Invading Plaintiff's and the putative class' privacy;
- 12 b. Electronically intruding upon Plaintiff's and the putative class'  
13 seclusion;
- 14 c. Intrusion into Plaintiff's and the putative class' use and enjoyment  
15 of their cellular telephones;
- 16 d. Impermissibly occupying minutes, data, availability to answer  
17 another call, and various other intangible rights that Plaintiff and the  
18 putative class have as to complete ownership and use of their cellular  
19 telephones;
- 20 e. Causing Plaintiff and the putative class to expend needless time in  
21 receiving, answering, and attempting to dispose of Defendant's  
22 unwanted calls.

23 ///

24 ///

25 ///

26 ///

27 ///

**CLASS ALLEGATIONS**

17. Plaintiff brings this action on behalf of himself and all others similarly situated, as a member of the proposed class (hereafter “The Class”) defined as follows:

All persons within the United States who received any telephone calls from Defendant or Defendant’s agent/s and/or employee/s to said person’s cellular telephone made through the use of any automatic telephone dialing system and/or artificial or prerecorded voice within the four years prior to the filing of this Complaint where said person had not previously consented to receive such calls

18. Plaintiff represents, and is a member of, The Class, consisting of All persons within the United States who received any telephone calls from Defendant or Defendant’s agent/s and/or employee/s to said person’s cellular telephone made through the use of any automatic telephone dialing system and/or artificial or prerecorded voice within the four years prior to the filing of this Complaint where said person had not previously consented to receive such calls.

19. Defendant, its employees and agents are excluded from The Class. Plaintiff does not know the number of members in The Class, but believes the Class members number in the thousands, if not more. Thus, this matter should be certified as a Class Action to assist in the expeditious litigation of the matter.

20. The Class is so numerous that the individual joinder of all of its members is impractical. While the exact number and identities of The Class members are unknown to Plaintiff at this time and can only be ascertained through appropriate discovery, Plaintiff is informed and believes and thereon alleges that The Class includes thousands of members. Plaintiff alleges that The Class members may be ascertained by the records maintained by Defendant.

1           21. Plaintiff and members of The Class were harmed by the acts of  
2 Defendant in at least the following ways: Defendant illegally contacted Plaintiff  
3 and Class members via their cellular telephones thereby causing Plaintiff and Class  
4 members to incur certain charges or reduced telephone time and data for which  
5 Plaintiff and Class members had previously paid by having to retrieve or administer  
6 messages left by Defendant during those illegal calls, and invading the privacy of  
7 said Plaintiff and Class members.

8           22. Common questions of fact and law exist as to all members of The  
9 Class which predominate over any questions affecting only individual members of  
10 The Class. These common legal and factual questions, which do not vary between  
11 Class members, and which may be determined without reference to the individual  
12 circumstances of any Class members, include, but are not limited to, the following:

13           a. Whether, within the four years prior to the filing of this  
14 Complaint, Defendant made any telephone call (other than a call made  
15 for emergency purposes or made with the prior express consent of the  
16 called party) to a Class member using any automatic telephone dialing  
17 system and/or artificial or prerecorded voice to any telephone number  
18 assigned to a cellular telephone service;

19           b. Whether Plaintiff and the Class members were damaged  
20 thereby, and the extent of damages for such violation; and

21           c. Whether Defendant should be enjoined from engaging in such  
22 conduct in the future.

23           23. As a person that received calls from Defendant using an automatic  
24 telephone dialing system and/or prerecorded or artificial voice without Plaintiff's  
25 prior express consent, Plaintiff is asserting claims that are typical of The Class.

26           24. Plaintiff will fairly and adequately protect the interests of the members  
27 of The Class. Plaintiff has retained attorneys experienced in the prosecution of  
28 consumer class actions generally and under the TCPA.

1        25. A class action is superior to other available methods of fair and  
 2 efficient adjudication of this controversy, since individual litigation of the claims  
 3 of all Class members is impracticable. Even if every Class member could afford  
 4 individual litigation, the court system could not. It would be unduly burdensome  
 5 to the courts in which individual litigation of numerous issues would proceed.  
 6 Individualized litigation would also present the potential for varying, inconsistent,  
 7 or contradictory judgments and would magnify the delay and expense to all parties  
 8 and to the court system resulting from multiple trials of the same complex factual  
 9 issues. By contrast, the conduct of this action as a class action presents fewer  
 10 management difficulties, conserves the resources of the parties and of the court  
 11 system, and protects the rights of each Class member.

12        26. The prosecution of separate actions by individual Class members  
 13 would create a risk of adjudications with respect to them that would, as a practical  
 14 matter, be dispositive of the interests of the other Class members not parties to such  
 15 adjudications or that would substantially impair or impede the ability of such non-  
 16 party Class members to protect their interests.

17        27. Defendant has acted or refused to act in respects generally applicable  
 18 to The Class, thereby making appropriate final and injunctive relief with regard to  
 19 the members of the Class as a whole.

## 20        **FIRST CAUSE OF ACTION**

### 21        **Negligent Violations of the Telephone Consumer Protection Act,** 22        **47 U.S.C. §227 et seq.**

23        28. Plaintiff repeats and incorporates by reference into this cause of action  
 24 the allegations set forth above at Paragraphs 1-27.

25        29. The foregoing acts and omissions of Defendant constitute numerous  
 26 and multiple negligent violations of the TCPA, including but not limited to each  
 27 and every one of the above cited provisions of 47 U.S.C. § 227 et seq.

28        30. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et

1 *seq.*, Plaintiff and the Class Members are entitled an award of \$500.00 in statutory  
2 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

3 31. Plaintiff and the Class members are also entitled to and seek injunctive  
4 relief prohibiting such conduct in the future.

5 **SECOND CAUSE OF ACTION**  
6 **Knowing and/or Willful Violations of the Telephone Consumer Protection**  
7 **Act**

8 **47 U.S.C. §227 et seq.**

9 32. Plaintiff repeats and incorporates by reference into this cause of action  
10 the allegations set forth above at Paragraphs 1-31.

11 33. The foregoing acts and omissions of Defendant constitute numerous  
12 and multiple knowing and/or willful violations of the TCPA, including but not  
13 limited to each and every one of the above cited provisions of 47 U.S.C. § 227 *et*  
14 *seq.*

15 34. As a result of Defendant's knowing and/or willful violations of 47  
16 U.S.C. § 227 *et seq.*, Plaintiff and the Class members are entitled an award of  
17 \$1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C.  
18 § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

19 35. Plaintiff and the Class members are also entitled to and seek injunctive  
20 relief prohibiting such conduct in the future.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff requests judgment against Defendant for the following:

23 **FIRST CAUSE OF ACTION**

24 **Negligent Violations of the Telephone Consumer Protection Act**

25 **47 U.S.C. §227 et seq.**

- 26 • As a result of Defendant's negligent violations of 47 U.S.C.  
27 §227(b)(1), Plaintiff and the Class members are entitled to and  
28 request \$500 in statutory damages, for each and every violation,  
pursuant to 47 U.S.C. 227(b)(3)(B).

- Injunctive relief.
- Any and all other relief that the Court deems just and proper.

### **SECOND CAUSE OF ACTION**

#### **Knowing and/or Willful Violations of the Telephone Consumer Protection Act**

##### **47 U.S.C. §227 et seq.**

- As a result of Defendant's willful and/or knowing violations of 47 U.S.C. §227(b)(1), Plaintiff and the Class members are entitled to and request treble damages, as provided by statute, up to \$1,500, for each and every violation, pursuant to 47 U.S.C. §227(b)(3)(B) and 47 U.S.C. §227(b)(3)(C).
- Injunctive relief.
- Any and all other relief that the Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands a trial by jury in this action.

Date: May 15, 2017

**MARTIN & BONTRAGER, APC**

By: /s/ Nicholas J. Bontrager  
Nicholas J. Bontrager  
Attorneys for Plaintiff